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March 15, 2023

**Via ECF**

Hon. Paul E. Davison  
U.S. Magistrate Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

The Court relieves Mr. Hochheiser and appoints Ezra Spilke, Esq., to represent Mr. Mitchell pursuant to the Criminal Justice Act. Mr. Hochheiser shall cooperate in transfer of the file and shall promptly notify Mr. Mitchell of this Order and provide Mr. Spilke's contact information.

So Ordered 3/16/23



Re: *USA v. Anthony Mitchell*, 23 Mag. 1983  
Counsel's Application to Withdraw and for Appointment of Substitute Counsel

Your Honor:

On March 10, 2023, Judge Krause appointed me pursuant to the Criminal Justice Act to represent Anthony Mitchell, who is charged by Complaint alleging one count of a violation of 18 U.S.C. §2251(a). I appeared with Mitchell at the initial presentment before Judge Krause. Mitchell, in addition to the instant federal complaint, is also separately charged with murder in a State case pending in Rockland County Court (Indictment #70511-22). Today I became aware that one of Mitchell's co-defendants in the Rockland murder case is Brian Thomas. I represent Thomas in *USA v. Brian Thomas*, S2 21 CR 293-04 (CS) which is scheduled for sentence on 4/21/2023 before Judge Seibel (SDNY White Plains).

I believe my representation of Thomas poses an actual conflict of interest concerning my continued representation of Mitchell. Accordingly, I must request that unconflicted counsel be appointed to represent Mitchell and substituted for me.

I have conferred with AUSA Ben Arad about this application. The Government has no objection.

Respectfully submitted,



Daniel A. Hochheiser

Cc: all counsel via ECF